

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
7

8 IN RE:

9 DMCA SECTION 512(H)
10 SUBPOENA TO BORJAN SOLUTIONS, S.L
11

Case No. 2:16-cv-03006-JAD-GWF

ORDER

12 This matter is before the Court on Petitioner's Request for Issuance of Subpoena (ECF No.
13 1), filed on December 23, 2016. Also before the Court is Petitioner's Motion to Vacate Order (ECF
14 No. 4), filed September 29, 2017.

15 On December 23, 2016, Petitioner AMA Multimedia, LLC ("AMA") filed its Request for
16 Issuance of Subpoena. ECF No. 1. On September 27, 2017, the Court denied Petitioner's request
17 without prejudice for failure to attach a proposed subpoena as required by 17 U.S.C § 512. § 512(h)
18 of the DMCA provides that "a copyright owner or person authorized to act on the owner's behalf
19 may request the clerk of any United States district court to issue a subpoena to a service provider for
20 identification of an alleged infringer." The request may be made by filing "(A) a copy of a
21 notification described in subsection (c) (3)(A); (B) a proposed subpoena; and (c) a sworn declaration
22 to the effect that the purpose for which the subpoena is sought to obtain the identity of an alleged
23 infringer and that such information will only be used for protecting the rights under this title."

24 Petitioner filed with the court, as required by § 512(h)(2), notifications that it provided to
25 Borjan Solutions, an internet service provider, through a removal form installed on its website. *See*
26 ECF No. 1, pgs 30-38. Petitioner also attached a declaration of Adam Silverman, a managing
27 member of AMA, stating that the purpose of the subpoena is to identify alleged infringers and such
28 information will only be used for the purposes of protecting AMA's rights under 17 U.S.C. § 100.

1 Petitioner represents that it attached a proposed subpoena to the manually filed motion and the Clerk
2 of the Court executed the proposed subpoena. Subsequently, Petitioner served the subpoena upon
3 the recipient, who then responded. *See Motion to Vacate Order* (ECF No. 4), Exhibits 2, 3.

4 Petitioner's Request for Issuance of Subpoena (ECF No. 1) is, therefore, granted. Further, the Court
5 grants Petitioner's Motion to Vacate Order and instructs the Clerk of the Court to vacate the Order
6 (ECF No. 3) as moot. Accordingly,

7 **IT IS HEREBY ORDERED** that Petitioner's Request for Issuance of Subpoena (ECF No.
8 1) and Motion to Vacate Order (ECF No. 4) are **granted**.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall vacate the Order (ECF No.
10 3), issued on September 27, 2017.

11 DATED this 2nd day of October, 2017.

12
13 
14 GEORGE FOLEY, JR.
United States Magistrate Judge